

DIRECTIVE

WORKFORCE INVESTMENT ACT

Number: WIAD06-17

Date: March 20, 2007

69:216:me:10661

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: CHANGES TO WIA REQUIREMENTS—SB 293, THE WORKFORCE
TRAINING ACT

EXECUTIVE SUMMARY:

Purpose:

Effective January 1, 2007, and as announced in Workforce Investment Act (WIA) Information Bulletin WIAB06-36, California Senate Bill (SB) 293 (Ducheny) imposes State-level requirements pertaining to WIA policies and procedures. The purpose of this directive is to provide information about the requirements that have an impact on the WIA and Wagner-Peyser programs. Guidance for implementing these new requirements is being developed by a work group comprising State and local representatives of the workforce development community. Upon completion of the work group's efforts, implementation guidance will be disseminated for public comment in another directive. Additionally, requirements of SB 293 specific to WIA local planning will be addressed in a future planning directive.

Scope:

This directive applies to all Local Workforce Investment Areas (LWIA).

Effective Date:

This directive is effective on the date of issuance.

REFERENCES:

- SB 293 (Ducheny), Chapter 630, Statutes of 2006
- California Unemployment Insurance (UI) Code 14000 – 14500
- WIA 117(b)(2), (d), (f)(1), (h)(2), and (h)(4); 121(b)(1)(A) and (2)(B)(v); and 134(d)(2) and (d)(4)

- Title 20 of the Code of Federal Regulations (20 CFR) 661.305(a)(2) and (6); 661.315; 661.335(b); 661.340; 662.200; 662.210(c); 662.240(b); 663.165; 663.250; 663.300; 663.310; 663.600; 663.400; 663.420; 663.505; 663.610; 664.600(d); and Preamble pages 49294, 49295, 49307, 49314-17, 49355, and 49386
- WIA Draft Directive 134 (WIADD-134)

STATE-IMPOSED REQUIREMENTS:

This directive contains only State-imposed requirements.

FILING INSTRUCTIONS:

This directive finalizes WIADD-134, issued for comment on February 6, 2007. The Workforce Services Division received three responses during the draft comment period. The comments received did not result in any substantive changes to this directive; however, this directive incorporates changes that are viewed as highlighted text. The highlighted text will remain on the Internet for 30 days from the issuance date. In addition, some of the comments that we received will be used in developing implementation guidance that will be disseminated in a future directive. Retain this directive until further notice.

BACKGROUND:

SB 293 amends the UI Code to repeal Division 8, Family Economic Security: Job Preparation and Training Services, and to amend Division 7, California Workforce Investment Act, by replacing Section 14000 and adding Sections 14005 - 14530. These changes provide guidance and goals for carrying out WIA-funded programs. Of fundamental concern to the State Legislature, as expressed in SB 293, is attaining an accountable workforce investment system that integrates education and training with economic development, is fully accessible (physically, as well as programmatically), promotes self-sufficiency, provides lifelong learning, and prepares California to compete successfully in the global economy.

POLICY AND PROCEDURES:

The changes in the UI Code, as provided by SB 293, require LWIAs to amend existing policies and procedures, and in some cases, create new policies and procedures, pertaining to those aspects of their WIA-funded activities summarized below:

- Local Workforce Investment Board (LWIB) composition. UI Code 14202(a)(c) and (d) add as potential or required LWIB members: business representatives who are human resources executives, a ten to fifteen percent LWIB composition representing labor organizations, and representatives of community-based organizations serving populations with barriers to employment (such as the economically disadvantaged, youth, farm workers, homeless individuals, and immigrants). [Cf. WIA 117(b)(2) and 20 CFR 661.315.]

- LWIB executive director. UI Code 14207(b) requires the LWIB to direct the activities of the LWIB's executive director in carrying out the LWIB's functions. [Cf. WIA 117(d).]
- One-Stop partners. UI Code 14231(a)(13) adds small business development centers as required partners in those LWIAs in which they exist. [Cf. WIA 121(b)(1)(A) and (2)(B)(v), and 20 CFR 662.200 and 662.210(c).]
- One-Stop operators. UI Code 14206(d) requires the LWIB to review annually the operations of their One-Stop operators and terminate for cause the eligibility of such operators. [Cf. WIA 117(d)(2)(A) and (d)(4), and 20 CFR 661.305(a)(2).]
- Youth council membership. UI Code 14209 conveys the intent of the Legislature that when appointing members to the youth council, the LWIB and local chief elected officer appoint representatives:
 - of youth who are enrolled in school
 - of out-of-school youth
 - from the private sector
 - of local educational agencies serving youth
 - of private nonprofit agencies serving youth
 - of apprenticeship training programs serving youth

The LWIB and its local chief elected officer are directed to consider this range of representation to be an important goal. [Cf. WIA 117(h)(2) and 20 CFR 661.335(b).]

- Youth council activities. UI Code 14210(c)(e) and (f) add new activities to the required youth council duties:
 - Leveraging other LWIA youth program funds for the purpose of improving the effectiveness of local youth programs through collaborative planning, funding, and service delivery.
 - Making recommendations to the LWIB for connecting youth program activities, including those provided by local educational entities, to the One-Stop delivery system.
 - Making recommendations to the LWIB for including training in nontraditional occupations for women and girls, and pre-apprenticeship training in youth program activities.

[Cf. WIA 117(h)(4) and 20 CFR 661.340.]

- Core services. As a core service, the LWIB shall provide information on the filing of claims for unemployment compensation disability benefits, as expressed in UI Code 14230(a)(2)(H). [Cf. WIA 134(d)(2) and 20 CFR 662.240(b).]

- Business services. Business services, including recruitment and staffing services, training and development, provision of information including information about resources, outplacement services, and business retention, are added One-Stop services, as expressed in UI Code 14230(a). Additionally, UI Code 14230(b) requires LWIAs to provide employers with access to comprehensive career and labor market information, job placement, economic development information, performance and program information on service providers, and other such services as the businesses in the community may require. [Cf. WIA 134(d)(4), and 20 CFR 663.300 and 663.310.]
- Labor market information. UI Code 14206(k) requires the LWIB to assist the Governor in developing a statewide employment statistics system, and do so in conjunction with, and utilizing to the fullest extent possible, the labor market information system of the EDD. [Cf. WIA 117(d)(6) and 20 CFR 661.305(a)(6).]
- Service priorities and timing. UI Code 14230(a)(6) reiterates the requirement of establishing LWIA policies and procedures for giving to adults who receive public assistance and to other low-income adults, priority of service for intensive and training services. The UI Code 14230(d) adds the goal of eliminating unnecessary delays to the provision of training services while still complying with all statutory and regulatory eligibility criteria. It also requires that the LWIA policies for providing timely access to training, and for referring individuals between the One-Stop operators and One-Stop partners for appropriate services and activities, are contained in the memorandum of understanding between the LWIB and the One-Stop partners. [Cf. WIA 134(d)(4)(E), and 20 CFR 663.165, 663.250, 663.310, 663.600, and 663.610.]
- Service integration. UI Code 14230(a)(3) and (b) mandate the integration of State and federally funded workforce education, training, and employment programs in the One-Stop delivery system. Each LWIB shall establish at least one full-service One-Stop career center that has all required WIA partners and that provides job seekers with integrated employment, education, training, and job search services, and provides employers with comprehensive workforce-related business services. [Cf. 20 CFR Preamble pages 49294, 49295, 49307, 49314-17, 49355, and 49386, and 664.600(d).]
- Individual training accounts. UI Code 14206(h) requires the LWIB to develop a policy on the amount and duration of individual training accounts, based on the market rate for local training programs. [Cf. 20 CFR 663.420.]
- Training vouchers. UI Code 14234 prohibits One-Stop operators that issue training vouchers from being a recipient of those vouchers without the approval of the local chief elected official and the California Workforce Investment Board. Approval would be given only in those instances in which there were no other potential One-Stop partners in the local area. [Cf. WIA 117(f)(1), and 20 CFR 663.400 and 663.505.]

New and amended local area policies and procedures should be documented and disseminated to the appropriate staff in writing. Additionally, as described in SB 293, some of these changes must be addressed in the local area's workforce investment plan. Guidance for modifying the local area's workforce investment plan in accordance with the changes mandated by SB 293 will be issued in a directive following the State's receipt of Department of Labor guidance for modifying the State's workforce investment plan.

ACTION:

Please bring this directive to the attention of all relevant parties.

INQUIRIES:

If you have any questions, please contact your [Regional Advisor](#) at (916) 654-7799.

/S/ BOB HERMSMEIER
Chief
Workforce Services Division

Attachment is available on the Internet:

[SB 293](#)